



GEORGETOWN UNIVERSITY LAW CENTER

INSTITUTE FOR PUBLIC REPRESENTATION

DOCKET FILE COPY ORIGINAL
EX PARTE OR LATE FILED

Douglas L. Parker
Director
Hope Babcock
Associate Director
Angela J. Campbell
Associate Director
Citizens Communications Center Project
Waverley Eby Booth
Laura L. Rovner
Lisa M. Stevens
Sharon L. Webber
Fellows
Dianne Alston
Martha L. Rodriguez
Administrative Staff

December 1, 1993

RECEIVED

DEC 21 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

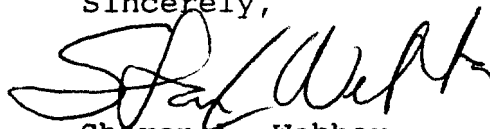
Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

Re: Policies and Rules Concerning Children's Television
Programming; Revision of Programming Policies for Television
Broadcast Stations, MM Docket No. 93-48.

Dear Mr. Caton:

Pursuant to 47 C.F.R. §1.1206, this letter is submitted to inform you of a written ex parte presentation that was submitted to Chairman Hundt on behalf of the Center for Media Education regarding the Notice of Inquiry filed in the children's television proceeding, MM Docket No. 93-48. Attached are two copies of the presentation for inclusion in the public record.

Sincerely,


Sharon L. Webber
Counsel for CME

No. of Copies rec'd
List ABCDE

CA1



GEORGETOWN UNIVERSITY LEE CENTER
INSTITUTE FOR PUBLIC REPRESENTATION

Douglas L. Parker
Director
Hope Babcock
Associate Director
Angela J. Campbell
Associate Director
Citizens Communications Center Project
Waverley Eby Booth
Laura L. Rovner
Lisa M. Stevens
Sharon L. Webber
Fellows
Dianne Alston
Martha L. Rodriguez
Administrative Staff

December 1, 1993

RECEIVED

DEC 1 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Policies and Rules Concerning Children's Television
Programming; Revision of Programming Policies for Television
Broadcast Stations, MM Docket No. 93-48

Dear Mr. Chairman:

We would like to take this opportunity to welcome you to your new position as Chairman. We are looking forward to working with you in the future on one of the most important issues you will address as Chairman - children's television.

As you may know, the FCC issued a Notice of Inquiry last March to insure that stations comply with their obligations under the Children's Television Act of 1990 ("the Act"). The Center for Media Education ("CME") filed comments, in which the Center for the Study of Commercialism, Peggy Charren, Consumer Federation of America, National Black Child Development Institute, Inc., National Council of La Raza, National Education Association, National PTA, and many others joined, urging the Commission to take aggressive action.

We are writing today to respond to the September 22, 1993, ex parte letter from the Association of Independent Television Stations, Inc. ("INTV") to former acting Chairman Quello. In

that letter, INTV asserts that "further Commission concern about compliance with programming requirements of the Children's Television Act may be unnecessary." As the basis for this assertion, INTV relies on a report, the summary of which is attached to the letter. The report summary, which lists program names taken from the Annual Convention Program Guides for National Association of Television Program Executives Conventions, shows that the number of new educational, informational shows for children increased from five in 1991 and 1992, to twenty-one in 1993. INTV claims that this information shows "that a marketplace response to the demand for more educational and informational programming for children is well underway. Therefore, the need for more Commission action appears to be diminishing."

Nothing in the report summary eliminates the need for FCC action on the Notice of Inquiry. At best, the report summary demonstrates that pressure from the public has resulted in an increased supply of educational children's programming. But this increase in supply does not obviate the need for the FCC to adopt procedures and standards for determining whether individual stations have complied with the Children's Television Act.

Neither the letter nor the report summary indicates any basis for identifying the listed shows as "educational and informational." The report summary does not describe the content of the listed programs, identify the educational goals of the programs, or list the target age of the audience. Without this basic information, it is not possible to determine whether the shows actually serve to educate children.

Even assuming that the shows listed in the report summary are educational, the need for Commission action has not diminished. The Commission still has an obligation to determine whether or not each station applying for license renewal "has served the educational and informational needs of children through the licensee's overall programming, including programming specifically designed to serve such needs." 47 U.S.C. § 303b(a)(2). The report summary offered by INTV does not assist the Commission in deciding if individual stations have made this showing. Thus, the Commission should go ahead and promptly adopt the proposals set out in the Notice of Inquiry, i.e., (1) establish core, standard-length, primarily educational children's programming requirements, and (2) set up guidelines as to the amount and type of children's programming which would ensure

stations' renewals.

Continued FCC action is also needed because the "marketplace response," which INTV credits for this increase in programming availability, came about only because of pressure on the industry from activist groups, Congress, and the Commission. Prior to the Children's Television Act of 1990, there was a dearth of educational programming for children, as INTV admits in its report summary. Even after passage of the Act in 1990, it took pressure from outside the industry to bring about change. In September, 1992, CME and the Institute for Public Representation ("IPR") released a study which showed that broadcasters were not complying with the spirit of the Act, but were merely reclassifying old programs, like "The Jetsons" and "The Flintstones", as educational. In March, 1993, the Commission released the Notice of Inquiry to examine station compliance, and that same month, Congress held hearings on station compliance with the Act. Thus, only after the study's publicity and pressure from Congress and the Commission did the broadcast industry attempt to provide such programming. Were the Commission to decrease its involvement in this area, the broadcasters would not demand educational children's programming, and the supply would again diminish.

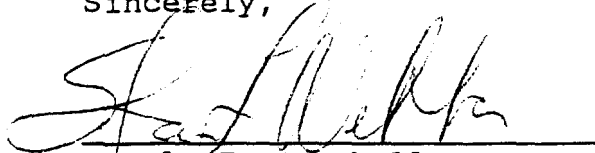
Finally, the report summary submitted by INTV indicates that stations can no longer cite the lack of children's educational programming as a reason for not serving the educational and informational needs of children. In the Notice of Inquiry, at footnote 11, the Commission suggested that a supply shortage of these shows could explain why broadcasters were not in compliance. INTV's letter demonstrates that this excuse is no longer available to broadcasters, since program suppliers have responded to the politically-created demand for educational children's shows.

In sum, the Commission should promptly act on the proposals in the Notice of Inquiry. At most, the report summary demonstrates a possible increase in the supply of children's programming available to broadcasters, which has come about only in response to pressure on the industry. Continued FCC scrutiny is necessary to ensure that stations actually take advantage of

Page 4 of 4
Hundt
12/1/93

the available educational programming and comply with the Children's Television Act. Thus, the Commission should take the actions proposed in the comments filed by CME.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Angela J. Campbell', written over a horizontal line.

Angela J. Campbell
Sharon L. Webber
Citizens Communications Center
Georgetown University Law Center
Institute for Public Representation
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 662-9535

Counsel to Center for Media Education

cc: The Honorable Andrew C. Barrett
The Honorable Ervin S. Duggan
The Honorable James H. Quello
Ms. Barbara A. Kriesman
MM Docket No. 93-48 (2)